

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Joshua Lee Ferguson,)	Civil Action No.: 6:09-743-HFF-BHH
)	
Plaintiff,)	
)	
vs.)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Nationwide Credit, Inc., OSI Collection)	
Services, Washington Mutual Finance,)	
American Express Company,)	
)	
Defendants.		

The plaintiff, Joshua Lee Ferguson, filed this action on March 24, 2009. Pursuant to Federal Rule of Civil Procedure 4(m), service of the summons and complaint must be made within 120 days from the date that the complaint is filed. Fed. R. Civ. P. 4(m). The deadline for service, therefore, was July 27, 2009.

By order of this Court, filed August 26, 2009, the plaintiff was advised of this deadline and given an additional ten days to make proof of timely service on defendant Washington Mutual Finance. To date, the plaintiff has failed to provide the Court with evidence that service has been accomplished on that defendant and the summons has now expired.

Wherefore, it is recommended that the claims against Washington Mutual Finance be dismissed *without prejudice*.

s/Bruce H. Hendricks
United States Magistrate Judge

January 6, 2010
Greenville, South Carolina

The plaintiff's attention is directed to the important notice on the next page.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 10768
Greenville, South Carolina 29603

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).